IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.7374 OF 2004

Shri Deepak Sadashiv Patil, .. Petitioner

Vs

1. Shri Amarsinh Vijaysinh Nikam and

Anr. .. Respondents

Shri S.P.Kadam,for the petitioner.

CORAM : D.B.BHOSALE,J.

DATE : 13th September, 2004.

PC:

1. Heard Mr Kadam, learned counsel for the petitioner.

2. Mr.Kadam, learned counsel for the petitioner, states that the petitioner would be satisfied if he is given liberty to file an application afresh under Order I Rule 10 of CPC or in the alternative Order XXIII rule 1(a) seeking appropriate relief and in that case he does not press the instant petition. This petition can be conveniently disposed of by the following order :

(i) Liberty to the petitioner to file an application afresh under Order I rule 10 or in the alternative Order XXIII rule 1(a) of CPC seeking appropriate relief. If such an application is filed, same may be decided on

merits in accordance with law expeditiously.

(ii) While granting the liberty, I shall not be understood to have examined the merits of the case.

. With these observations, the writ petition is disposed of.

(D.B.Bhosale,J.)